



Minutes of the Workshop and Regular Meetings of the
Planning and Zoning Commission
of the City of Bryan, Texas
On Thursday, September 21st, 2006 at 5:00 p.m.
Room 305/City Council Chambers
Bryan Municipal Building
300 South Texas Avenue

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. WORKSHOP SESSION – ROOM 305

Chairperson Hughes called the workshop meeting to order at 5:05 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Robert Horton, Mr. Art Hughes, Mr. G.H. Jones, Mr. Don Maxwell, and Mr. Michael Parks.

Commission members absent were: none.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. John Dean, Transportation Planner; Mr. Martin Zimmermann, Senior Planner; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

A. DISCUSSION ON VARIANCE PROCEDURES.

There was general discussion about amending the Land and Site Development Ordinance regarding variance review procedure. The Commission asked staff to bring forward a formal text amendment.

B. DISCUSSION ON ACCESSORY STRUCTURES.

There was general discussion about amending the Zoning Ordinance section on accessory structures and dwellings. The Commission asked staff to bring forward a formal text amendment.

C. REVIEW OF AGENDA FOR REGULAR PLANNING AND ZONING COMMISSION MEETING OF SEPTEMBER 21, 2006 (No action will be taken).

Agenda items were reviewed. No action was taken.

D. COMMISSION/STAFF CONCERNS.

Miscellaneous Commission and staff concerns were discussed.

Without objection, Chairperson Hughes adjourned the workshop meeting at 5:58 p.m.

2. REGULAR MEETING (COUNCIL CHAMBERS) – CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:08 p.m.

3. CITIZENS TO BE HEARD

Ms. Sharon Anderson, of 2304 Cindy Lane, Bryan, Texas, came forward to address the Commission. Ms. Anderson stated her belief that a citizen's comments during a telephone call to the Development Services Department concerning an agenda item should be shared with the Commission during the public hearing on the matter. Ms. Anderson maintained citizens are at a disadvantage if only written comments are shared and asked that telephone responses also be taken into consideration by Commission members.

4. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

There were none.

5. PUBLIC HEARING/CONSIDERATION – Planning Variance PV06-24

A 7.5-foot variance from the minimum 15-foot side building setback generally required on residential lots adjoining a local street on two vacant lots located at the south corner of Old Kurten Road and Scott Street, being Lots 27 and 28 in the Redden and Thomas Addition in northeastern Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann informed the Commission that staff generally encourages infill development in vacant area of older neighborhoods in Bryan. Even if replicated on other properties along this segment of Old Kurten Road, staff believes the requested reduction of the minimum side building setback on this one property line should not "tip the balance" in favor of overcrowding this street segment. In this particular case, staff believes approving the request variance is believed to have the most likely long-range benefit, balancing both public and private purposes. Staff recommends approving this request for variance.

The public hearing was opened.

Mr. James Jones, of 3103 Old Kurten Road, Bryan, Texas inquired about the nature of the proposed construction and stated that he would be opposed to a bar at this location.

Mr. Jay Caldwell, applicant, of 3109 Red Robin Loop, Bryan, Texas advised the Commission that he is planning on building two residences on these two lots.

The public hearing was closed.

Commissioner Jones moved to approve Planning Variance PV 06-24 as requested, accepting the findings of staff. Commissioner Horton seconded the motion, and the motion passed with a unanimous vote.

6. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU06-09

A conditional use permit to allow a neighborhood service establishment, specifically a hair salon, in an 'RD-5' Residential District – 5000 at 901 East 29th Street, specifically occupying the north 69 feet of Lots 13 and 14 in Block 10 of Phillips Addition in southeast central Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Mr. Zimmermann informed the Commission that the applicants desire to use an existing building on the property at 901 East 29th Street as a hair salon. Staff recommends approving this Conditional Use Permit, subject to the condition that any use and development on the subject property conform to the site plan approved by the Site Development Review Committee on August 22, 2006. Staff believes the proposed neighborhood service establishment is compatible with existing residential uses abutting the subject property, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

The public hearing was opened.

Ms. Kimberly Winson, of 811 East 29th Street, Bryan, Texas advised the Commission that she supports the proposed hair salon, but only if certain additional conditions were imposed, including limits on exterior signage, hours of operation, number of employees, and exterior lighting. She also stated that she feels there would be enough parking spaces. She is concerned about vehicles parking on Haswell Street, which will create a public safety issue by reducing visibility and increasing congestion.

Ms. Dawn Jourdan, of 708 East 30th Street, Bryan, Texas advised the Commission that this is a dangerous intersection and that there is no crosswalk at that location.

Ms. Sophia Ruiz, applicant, of 901 East 29th Street, Bryan, Texas advised the Commission that she would have no problem with the conditions that Ms. Winson is proposing. She also advised there would be only a wall sign and she would like to keep it looking like a house. Customer traffic would be by appointment only.

The public hearing was closed.

Commissioner Maxwell moved to approve Conditional Use Permit CU 06-09, accepting the findings of staff, subject to the following conditions:

1. That any use and development on the subject property conform to the site plan approved by the Site Development Review Committee on August 22, 2006.
2. No illuminated exterior signage is permitted.
3. Hours of operation shall be no earlier than 9:00 a.m. nor extend past 6:00 p.m.
4. Exterior lighting shall be turned off no later than 7:00 p.m. and be turned on no earlier than 7:00 a.m.
5. The property is ineligible for a liquor license.
6. Number of stations, for nails, hair, or any other purpose shall be limited to three, and there shall be no more than three employees including the salon owner.

Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.

7. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU06-12

A conditional use permit to allow the conversion of an existing commercial building to a single-family residence in a 'C-1' Office zoning district at 2727 Osborn Lane, specifically occupying 8.82 acres known as the Allen Estate in eastern Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Mr. Zimmermann informed the Commission that an existing structure already occupies the subject property. Staff believes that, under these circumstances, allowing conversion of the existing office building to a single-family residence on this 8-acre property conforms to the objectives and purpose of the Zoning Ordinance. Staff recommends approving this Conditional Use Permit.

The public hearing was opened.

Mr. Hank McWade, of 12939 SH 30, College Station, Texas came forward to speak in favor of the request. He advised that the property had been used as an office and residence off an on.

The public hearing was closed.

Commissioner Bond moved to approve Conditional Use Permit, CU-06-12 accepting the findings of staff. Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.

8. PUBLIC HEARING/CONSIDERATION – Replat RP06-08

A resubdivision of Lots B1 thru B5 in Block B of the subdivision known as Rockwood Park Estates, comprising 4.13 acres of land located at the southwest corner of North Harvey Mitchell Parkway (F.M. 2818) and Cedarwood Drive in far southwestern Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that five existing lots, Lots B1 Thru B5 in Block B of Rockwood Park Estates, are proposed to be divided into seven new lots, each of which are planned to be residential home sites. Four of these seven proposed lots are already occupied by residences at 1901 Cedarwood Drive as well as at 217, 219 and 221 North Harvey Mitchell Parkway. The remaining three proposed lots are currently vacant and adjoin the south side of Cedarwood Drive. The Site Development Review Committee and staff recommend approving this proposed replat.

The public hearing was opened.

Mr. Donald Patrick, of 1901 Cederwood Drive, Bryan, Texas advised the Commission that he was told the request was made to realign property lines and to make them more accurate. He was told none of the lot sizes would change. Staff responded that the most lot lines on this replat match those lot lines created by deeds over the years.

Mr. Jack Lunsford, of 2000 Rockwood Drive, Bryan, Texas inquired about the size of the lots. Staff responded that all seven proposed lots are close to at least ½-acre in size.

Ms. Michele Lacey, of 1904 Cedarwood Drive, advised the Commissions that deed restrictions allow no commercial uses, only single-family dwellings. Staff responded that at this time all seven lots are planned to be residential home sites. The residential zoning of these properties is not proposed to be changed.

The public hearing was closed.

Commissioner Parks moved to approve Replat RP06-08. Commissioner Bond seconded the motion, and the motion passed with a unanimous vote.

9. PUBLIC HEARING/CONSIDERATION – Replat RP06-14

A resubdivision of a 10.59-acre tract known as Ferrara's Addition and located at the northwest corner of Finfeather Road and Stuart Street in southwestern Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that this 10.59-acre tract, known as Ferrara's Addition, is proposed to be divided into three new lots; a 1.07-acre tract which is currently occupied by a convenience store, an 8.7-acre tract which is currently occupied by a mobile home park, and a 0.77-acre tract which is currently occupied by self-service storage buildings. The Site Development Review Committee and staff recommend approving this proposed replat of Ferrara's Addition.

The public hearing was opened.

Ms. Sharon Anderson of 2304 Cindy Lane stated her concerns about the proposed replat and the possible closing of one of two existing driveways from Finfeather Road to the mobile home park lot. She voiced her concerns about a new driveway access to that property from Stuart Street and cut through traffic from the mobile home park in the adjacent neighborhood. Staff responded that no existing regulation prohibits a driveway access to the mobile home park from Stuart Street.

Mr. Chris Galindo, applicant, of 3107 Rolling Glen, Bryan, Texas stated that the proposed replat will allow the property owner to sell the mobile home park lot and keep the convenience store lot.

The public hearing was closed.

Commissioner Clark moved to approve Replat RP06-14. Commissioner Beckendorf seconded the motion, and the motion passed with a unanimous vote.

10. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-21

A request to change the zoning classification from 'RD-7' Residential District 7000 to 'R-NC' Residential Neighborhood Conservation District for 20 lots in the Briarcreek Forest #1 Subdivision in east central Bryan, Brazos County, Texas.

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean stated property owners within the Briarcreek Forest #1 Subdivision have submitted a complete petition for a City-initiated zoning change from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District on all 20 lots in this subdivision phase. The subdivision plat for this subdivision phase was recorded in June of 1971. All of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision phase, as requested.

The public hearing was opened.

Ms. Stuart Womack of 800 Behring, College Station, Texas questioned how approving this request will improve properties other than eliminating rental properties.

Mr. Larry Whitlock of 2700 Broadmoor Drive, Bryan, Texas came forward to speak in favor of this request.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ06-21, accepting the findings of staff. Commissioner Jones seconded the motion, and the motion passed with unanimous vote.

11. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-23

A request to change the zoning classification from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District for sixty-nine lots in the Memorial Forest Subdivision #1 in southeastern Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that the property owners within the Memorial Forest Subdivision #1 have submitted a complete petition for a City-initiated zoning change from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District on all 69 lots in this subdivision. Staff recommends approving 'R-NC' zoning for this entire subdivision.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ06-23, accepting the findings of staff. Commissioner Jones seconded the motion, and the passed with a unanimous vote.

12. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-26

A request to change the zoning classification from 'RD-7' Residential District 7000 to 'R-NC' Residential Neighborhood Conservation District for 40 lots in the Briarcrest Estates Subdivision #2 located on Camelot Drive and Pinehurst Drive in Bryan, Brazos County, Texas.

Ms. Lindsey Guindi, Planning Manager, presented a staff report (on file in the Development Services Department). Ms. Guindi stated property owners within the Briarcrest Estates #2 Subdivision have submitted a complete petition for a City-initiated zoning change from 'RD-7' Residential District – 7000 and 'RD-5 Residential District – 5000 to 'R-NC' Residential Neighborhood Conservation District on all 40 lots in this subdivision Phase. The subdivision plat for this subdivision phase was recorded in April of 1970.

The public hearing was opened.

Ms. Stuart Womack of 800 Behring, College Station, Texas questioned how approving this request will improve properties other than eliminating rental properties.

The public hearing was closed.

Commissioner Jones moved to recommend approval of Rezoning RZ06-26, accepting the findings of staff. Commissioner Bond seconded the motion, and the motion passed with unanimous vote.

13. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-27

A request to change the zoning classification from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District for eighty-four lots in the Memorial Forest Subdivision #4 and Memorial Forest Subdivision #4 Phase II in southeastern Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that the property owners within the Memorial Forest Subdivision #4 and Memorial Forest Subdivision #4 Phase II have submitted a complete petition for a City-initiated zoning change from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District on all 84 lots in this subdivision. Staff recommends approving 'R-NC' zoning for this entire subdivision, as requested.

The public hearing was opened.

No one came forward

The public hearing was closed.

Commissioner Clark moved to recommend approval of Rezoning RZ06-27, accepting the findings of staff. Commissioner Jones seconded the motion, and the passed with a unanimous vote.

14. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-29

A request to change the zoning classification from 'RD-7' Residential District 7000 to 'R-NC' Residential Neighborhood Conservation District for 17 lots in the Austin's Colony Subdivision – Phase 7B & 7C located on Williams Bend Drive and Williams Trace Drive in Bryan, Brazos County, Texas.

Ms. Guindi presented a staff report (on file in the Development Services Department). Ms. Guindi stated property owners within the Austin's Colony Subdivision, Phase 7B and 7C have submitted a complete petition for a City-initiated zoning change from 'RD-7' Residential District – 7000 to 'R-NC' Residential Neighborhood Conservation District on all 17 lots in this subdivision phase. The subdivision plat for this subdivision phase was recorded in June of 2001. Staff recommends approving 'R-NC' zoning for this entire subdivision phase, as requested.

The public hearing was opened.

Ms. Peggy Bloomer of 2106 Williams Way, Bryan, Texas came forward to speak in favor of the request. She stated that the only people that are against this request are people who have rental property.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ06-29, accepting the findings of staff. Commissioner Horton seconded the motion, and the motion passed with unanimous vote.

15. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-31

A request to change the zoning classification from 'RD-5' Residential District 5000 to 'R-NC' Residential Neighborhood Conservation District for 22 lots in the Parkway Terrace #2 Subdivision in east central Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean stated that the property owners within the Parkway Terrace #2 Subdivision have submitted a complete petition for a City-initiated zoning change from 'RD-5' Residential District – 5000 to 'R-NC' Residential Neighborhood Conservation District on all 22 lots in this subdivision. The subdivision was recorded in September of 1964. All of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving 'R-NC' zoning for this entire subdivision, as requested.

The public hearing was opened.

No one came forward

The public hearing was closed.

Commissioner Clark moved to recommend approval of Rezoning RZ06-31, accepting the findings of staff. Commissioner Jones seconded the motion, and the passed with a unanimous vote.

16. PUBLIC HEARING/CONSIDERATION – Rezoning (RZ06-32)

A request to change the zoning classification from 'RD-7' Residential District 7000 to 'R-NC' Residential Neighborhood Conservation District for 121 lots in the North Manor Subdivision in central Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean stated property owners within the North Manor Subdivision have submitted a complete petition for a City-initiated zoning change from “RD-7’ Residential District – 7000 to ‘R-NC’ Residential Neighborhood Conservation District on all 121 lots in this subdivision. The subdivision plats from the phases of this subdivision were recorded between April of 1960 and April of 1964. All of the lots in this subdivision phase are developed with single-family homes. Staff recommends, approving ‘R-NC’ zoning for this entire subdivision phase, as requested.

The public hearing was opened.

Ms. Mary Ann Dorsey, of 1102 Esther Blvd, Bryan, Texas stated that 66% of the subdivision voted in favor of this request.

Ms. Mildred Zapalas, of 1202 Garden Lane, stated that she just wanted to say “Thank you”.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ06-32, accepting the findings of staff. Commissioner Jones seconded the motion, and the motion passed with unanimous vote.

17. ADJOURNMENT

Without objection, Chairperson Hughes adjourned the meeting at 7:50 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 12th day of **October, 2006**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning Commission